

Volume 6

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable William H. Orrick, Judge

OWEN DIAZ,

Plaintiff,

VS.

TESLA, INC. dba TESLA MOTORS,
INC.,

Defendant.

NO. C 17-06748 WHO

San Francisco, California
Monday, April 3, 2023

TRANSCRIPT OF TRIAL PROCEEDINGS

APPEARANCES:

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(APPEARANCES CONTINUED ON THE FOLLOWING PAGE)

REPORTED BY: Marla F. Knox, CSR No. 14421, RPR, CRR, RMR
United States District Court - Official Reporter

APPEARANCES: (continued)

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I N D E X

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VERDICT

Monday - April 3, 2023

1:34 p.m.

P R O C E E D I N G S

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(Proceedings were heard outside the presence of the jury:)

THE CLERK: All rise. This Court is now in session.

The Honorable William H. Orrick now presiding.

THE COURT: Good afternoon, everybody. Please be seated. So it appears we have a verdict. Is everybody ready?

MR. ORGAN: Yes, Your Honor.

MR. SPIRO: Yes, Your Honor.

THE COURT: Okay.

(Pause in proceedings.)

(Proceedings were heard in the presence of the jury:)

THE COURT: All right. Please be seated, everybody.

Ms. Davis, can you confirm that all the jurors are present.

THE CLERK: Yes.

THE COURT: Ladies and gentlemen of the jury, have you arrived at your verdict?

JURY PANEL: We have.

THE COURT: All right. If the presiding juror would hand the verdict to Ms. Davis, who will hand it to me.

(Pause in proceedings.)

VERDICT

THE COURT: All right. Ms. Davis, would you please

VERDICT

1 read the verdict into the record.

2 **THE CLERK:** In the United States District Court for
3 the Northern District of California, in the matter of Owen Diaz
4 versus Tesla, Incorporated, et al. Case Number 17-6748:

5 We the jury find as follows:

6 1. What past non-economic damages did Owen Diaz sustain
7 as a result of Tesla Incorporated's unlawful conduct?

8 \$1,000 -- \$100,000, sorry, \$100,000.

9 2. What future non-economic damages is Owen Diaz likely
10 to sustain as a result of Tesla Incorporated's unlawful
11 conduct?

12 \$75,000.

13 What amount of punitive damages do you award to Owen Diaz?

14 \$3 million.

15 And the verdict is signed by the jury foreperson.

16 **THE COURT:** Ladies and gentlemen of the jury, is this
17 your verdict?

18 **JURY PANEL:** Yes, it is.

19 **THE COURT:** The verdict will be received and accepted.
20 Do the parties wish the jury polled?

21 **MR. SPIRO:** No, Your Honor.

22 **MR. ORGAN:** Yes, Your Honor.

23 **THE CLERK:** Juror Number 1, Shaunak Bhagvant Kapadia,
24 is this your verdict?

25 **JUROR 1:** Yes, Your Honor.

1 **THE CLERK:** Juror Number 2, Sukhwinder Kaur, is this
2 your verdict?

3 **JUROR 2:** Yes.

4 **THE CLERK:** Juror Number 3, Michael Angelo Kasten, is
5 this your verdict?

6 **JUROR 3:** Yes.

7 **THE CLERK:** Juror Number 4, Ivana Kalbkova, is that
8 your verdict?

9 **JUROR 4:** Yes.

10 **THE CLERK:** Rammet Elena Munoz Rubio, is this your
11 verdict?

12 **JUROR 5:** Yes.

13 **THE CLERK:** Juror Number 6, Omparkash Luthra, is this
14 your verdict?

15 **JUROR 6:** Yes.

16 **THE CLERK:** Juror Number 7, Annamarie Yolanda Livesey,
17 is this your verdict?

18 **JUROR 7:** Yes.

19 **THE CLERK:** And Juror Number 8, Paul Lyman Bixby, is
20 this your verdict.

21 **JUROR 8:** It is.

22 **THE COURT:** All right. The clerk will record the
23 verdict.

24 (Pause in the proceedings.)

25 **THE COURT:** Ladies and gentlemen, before I discharge

1 you, I want to thank you for your service in this case.

2 There's no greater public trust than to be chosen as a
3 juror to sit on a case to sit in judgment on the acts and the
4 motives of others.

5 The law, which is my duty to declare, is relatively easy
6 to find. It's in statutes and casebooks, but the facts of the
7 case of which you have been the exclusive judges aren't written
8 down anywhere. They are much in dispute, and they are only
9 found after you have determined the truth from the evidence
10 that's before you.

11 Trial by jury is of the utmost importance in our system of
12 government. It's embedded in the -- Article III of the
13 Constitution and in the Sixth and the Seventh Amendments.

14 It's the right that every citizen of the United States
15 has. It's the keystone of our system of justice, and it's the
16 connecting link between the courts and the people.

17 You have made personal sacrifices to ensure that these
18 parties have a full and fair hearing of their disputes by their
19 peers, and you have shown the rather amazing ability of
20 conscious -- conscientious jurors to grapple with and respond
21 to complicated legal concepts and factual situations.

22 And I suspect that your success in doing that has resulted
23 from the diversity of backgrounds and experiences that you
24 brought to the jury room and from your ability to listen to the
25 viewpoints of your fellow jurors.

1 So, Counsel and members of the press may wish to ask you
2 questions concerning what went on in the jury room during your
3 deliberations.

4 You need not discuss your jury service with the lawyers,
5 the press, or even me and it may well be that you simply decide
6 to keep your own counsel. You are under no obligation to
7 answer any questions.

8 If you do answer questions, please respect the privacy of
9 the views of your fellow jurors and use good sense and good
10 judgment when you respond.

11 I'm now going to discharge you from your jury service.
12 I'm going to ask you to wait in the jury room for a moment so
13 that I can thank you personally. But this trial is adjourned.

14 (Proceedings were heard outside the presence of the jury:)

15 **THE COURT:** All right. Trial is adjourned. Thank
16 you.

17 (Proceedings adjourned at 1:43 p.m.)

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CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

DATE: Monday, April 3, 2023



Marla F. Knox, CSR No. 14421, RPR, CRR, RMR
United States District Court - Official Reporter